REMARKS

This is in response to the Office Action dated March 10, 2004. Reconsideration is respectfully requested.

Request for Extension of Time

Applicant respectfully requests that the period for response be extended two months, from June 10, 2004 to August 10, 2004. Enclosed is a check in the amount of $210 to cover the extension fee pursuant to 37 CFR 1.17(a)(2).

Objection to Drawings

The Examiner has indicated an objection to the drawings in the application but has not indicated specifically the nature of the objection. Applicant assumes, therefore, that the reasons for the Examiner's objection are those detailed in the Notice of Draftsperson's Patent Drawing Review dated October 31, 2001. Applicant encloses herewith formal drawings in response to the Examiner's objection. Should this not be sufficient to overcome the objection, the Examiner is invited to call the undersigned to discuss any deficiencies and how they might be addressed.

Claim Status

Claims 1, 5, 7-9, 13-15, 30 and 31 are pending. Claims 10, 11 and 16-29 are canceled without prejudice.

Summary of Claim Rejections

Claims 1, 5, 8, 9, 30 and 31 are rejected as anticipated by U.S. Patent No. 5,693,088 to Lazarus. Claims 10 and 14-19 are rejected as obvious over Lazarus in view of U.S. Patent No. 6,428,571 to Lentz et al. Claims 7 is rejected as obvious over Lazarus in view of 6,156,064 to Chouinard. Claims 11, 13 and 20 are rejected as obvious over Lazarus in view of Lentz

et al and further in view of U.S. Patent No. 6,042,666 to Karwoski et al.

Summary of the Invention

Applicant's invention is a graft compatible with living tissue. The graft comprises a thin elongated tube having attachment regions positioned at each end. The attachment regions have a plurality of pores sized to promote growth of living tissue into the attachment regions for joining the graft to a vessel for repair of an aneurysm for example. The tube is woven of filamentary members. The pores in the attachment regions are formed by weaving fewer filamentary members per unit area in the attachment regions than in the portion of the tube between the attachment regions. The interstices between the filamentary members form the pores that promote living tissue ingrowth. The tube portion between the attachment regions is impermeable to fluids.

The Argument

Applicant respectfully traverses the rejections, contending that the cited references do not meet the requirements necessary for anticipation as explained below.

Claim 1

Claim 1 is rejected as anticipated by Lazarus. However, nowhere does Lazarus teach or suggest a tubular graft woven of filamentary members and having porous attachment regions formed by weaving fewer filamentary members per unit area to create interstices that form the pores as recited in Claim 1. In fact, the words weave, woven, braid, braided, knit and knitted are not to be found anywhere in Lazarus. The fact that Lazarus teaches, at column 3, lines 5-9, a graft made of polyester or polytetrafluoroethylene is not a teaching that the graft is woven. It is merely a teaching of the materials that the graft may be made from, as is plainly stated in the

reference. Weaving is not expressly taught here (or anywhere in Lazarus) nor may weaving even be reasonably inferred from the mere mention of these materials because it is well known that both polyester and polytetrafluoroethylene, as well as many other synthetic materials, are available as sheets and cast films, which would be equally feasible for creating a tubular graft as disclosed in Lazarus.

Lazarus does teach the use of porous material throughout column 5, but the reference teaching is confined to "material which has inherent porosity" or "combinations of material, which renders at least the surface of the attachment means suitable for ingrowth of tissue", as stated beginning at line 54. Again, there is no express teaching of a woven substrate having pores formed from the interstices resulting from controlling the density of the weave as recited in Claim 1.

To anticipate a claim, the reference must teach every element of the claim. "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Clearly, there is no teaching in Lazarus of a woven graft wherein the density of the weave is controlled to form pores in attachment regions at the ends of the graft as recited in Claim 1. Lazarus, therefore, cannot reasonably support a rejection of Claim 1 on the basis of obviousness.

Claims 5, 7-9, 13-15, 30 and 31 depend, either directly or indirectly, on Claim 1 and should be allowable over Lazarus for the same reasons that Claim 1 is allowable.

Summary

Applicant has demonstrated in the arguments presented above that Lazarus does not anticipate any of applicant's claims because the reference fails to teach all of the claim

elements of any of the claims. Applicant respectfully contends that the claims are allowable over the cited reference, that the application is in condition for allowance and, therefore, requests that the application be passed to issue.

Respectfully submitted,

SYNNESTVEDT & LECHNER LLP

By: _____
John A. Chionchio
Reg. No. 40,954

1101 Market Street, Suite 2600
Philadelphia, PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2189

JAC/dml
Enclosures

M:\DLarsen\SECANT MEDICAL\24491AUSA\24491ARESPONSE.37CFR112